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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

The government hereby files a status report in advance of the third hearing in this Court, scheduled for April 7, 2015. This investigation began with Johnston's arrest on October 14, 2014, when a 14 year old missing girl from another state was found half-naked in his bed. Johnston was charged via a criminal complaint signed the evening of October 16, 2014. [Dkt. #1] Following a detention hearing, Magistrate Judge Zimmerman ordered Johnston detained, finding that the government established that Johnston would pose a danger to the community if released. [Dkt. #6] A grand jury indicted Johnston on October 30, 2014, charging him with violating 18 U.S.C. § 2423(b), travel with intent to engage in

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1 illicit sexual conduct. [Dkt. #9] On December 9, 2014, this Court held the first status conference in this
 2 case. [Dkt. # 13] The second status conference in this Court took place on February 17, 2015. [Dkt.
 3 #16] This status update aims to inform the Court about the progress made in the case.

4 On April 2, 2015, the federal grand jury returned a seven-count Superseding Indictment [Dkt.
 5 19] in this case, charging Johnston with: travel with intent to engage in illicit sexual conduct, in
 6 violation of 18 U.S.C. § 2423(b) (the original charge); transportation of a minor with intent to engage in
 7 criminal sexual activity, in violation of 18 U.S.C. § 2423(a); online enticement of a minor (a second
 8 victim), in violation of 18 U.S.C. § 2422(b); production of child pornography, in violation of 18 U.S.C.
 9 § 2251(a) (a third victim); production of child pornography, in violation of 18 U.S.C. § 2251(a) (a fourth
 10 victim); possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B); and distribution of
 11 child pornography, in violation of 18 U.S.C. § 2252(a)(2). Johnston will be arraigned on the
 12 Superseding Indictment in magistrate court on April 7, 2015.

13 To date, law enforcement members have identified and interviewed three juveniles who met
 14 Johnston in person and engaged in unlawful sexual conduct with him, including the original missing
 15 juvenile found in Johnston's bed. Agents have now identified a total of 31 other juvenile victims who
 16 had online contact with Johnston through social media applications, video chats and text messaging.
 17 Most of those identified victims who have been interviewed have indicated that they sent pornographic
 18 images of themselves to Johnston, usually at his request. The identified victims include juveniles in
 19 Oregon, California, Arizona, the United Kingdom, Ireland, Florida, Indiana, Australia, New Mexico,
 20 Oklahoma, Colorado, Pennsylvania, New Jersey, Virginia, and Louisiana.

21 The San Francisco-based case agents have written approximately 114 reports so far, and have
 22 sent approximately 62 requests for collateral investigations, across the country, and to multiple foreign
 23 nations.

24 So far, the government has obtained federal search warrants for: computers and other devices
 25 and physical items seized from Johnston's residence; Johnston's Dropbox account; Johnston's iPad;
 26 collection of genetic material from Johnston's minivan; DNA analysis; and Johnston's iCloud account.

27 The forensic examination of Johnston's electronic items continues. To date, agents have
 28 completed a preliminary forensic search of most of the electronic devices seized from Johnston. One of

1 the external hard drives taken from Johnston's bedroom contained approximately 500 folders with what
 2 appear to be females' names or nicknames/ screen names on them, and the vast majority of each of those
 3 folders contained material that the government believes constitutes child pornography. The
 4 investigators did not recognize the vast majority of images within the 500 folders as being from a known
 5 "series" of child pornography, implying that they are images not widely traded. Based on the analysis of
 6 Johnston's devices, investigators now estimate there could be more than 300 potential underage victims
 7 in this case, both domestically and worldwide.

8 Within the computer devices and smart phones seized from Johnston, there are thousands of
 9 messages from electronic "chat" functions, such as Skype, Kik, Omegle, ooVoo, and text or MMS
 10 mobile messaging services. Forensic examination of Johnston's electronic devices indicates that he
 11 employed a variety of user names, such as "sivaston," "deadleafecho," "moonage_daydream," and
 12 "lethal.loyal." Johnston often referred to himself as "Daddy" during the chats and often referred to the
 13 underage girls as "baby girl."

14 The way that the agents have located the identified victims is through a process of searching
 15 Johnston's storage media, smart phones and computers and relating those Skype, Kik, or text message
 16 "chat" strings to the approximately 500 folders, most of which contain child pornography. Agents are
 17 still searching over a dozen more electronic devices from Johnston's residence.

18 To date, the government has produced over 2200 pages of discovery to defense counsel,
 19 including some discs containing photos and recordings and sealed search warrant packets (pursuant to a
 20 court order allowing limited unsealing to provide one copy to defense counsel). As the investigation
 21 continues, the government intends to produce further discovery, pursuant to the confidential discovery
 22 stipulation and order [Dkt. # 7], and intends to present further evidence to the federal grand jury.

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 24 DATED: April 3, 2015

 25 /s/ _____
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 28 CHRISTINA McCALL
 Assistant United States Attorney